

UNITED STATES DISTRICT COURT

for the
District of Arizona

17-6355 MJ
United States of America)

v.)

Simon Cortez Diaz,)
a.k.a.: Simon Diaz Cortez,)
(A028 704 885))

Defendant)

Case No. 17-6355 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 2, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Simon Cortez Diaz, an alien, was found in the United States of America at or near Goodyear, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about November 29, 1989, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jacqueline Schesnol

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

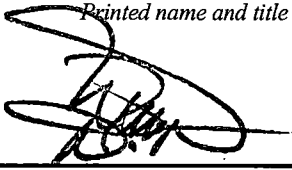
Date: October 3, 2017

City and state: Phoenix, Arizona


Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title


Judge's signature

David K. Duncan,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 2, 2017, Simon Cortez Diaz was encountered by the Phoenix ICE Mobile Criminal Alien Apprehension Team (MCAAT) during a vehicle stop, on Van Buren Street, in Goodyear, Arizona. At the scene, MCAAT officers determined Cortez Diaz to be a citizen of Mexico, illegally present in the United States. On the same date, Cortez Diaz was transported to the Phoenix ICE office for further investigation and processing. Cortez Diaz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Simon Cortez Diaz to be a citizen of Mexico and a previously deported criminal alien. Cortez Diaz was removed from the United States to Mexico at or near Calexico, California, on or about November 29, 1989, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Cortez Diaz in any Department of Homeland Security database

to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Cortez Diaz's immigration history was matched to him by electronic fingerprint comparison.

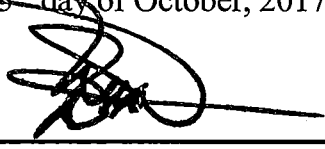
4. Criminal history checks revealed that Simon Cortez Diaz was convicted of Lewd or Lascivious Act with a Child Under the Age of 14, a felony offense, on February 26, 1987, in the Superior Court of California, County of Los Angeles. Cortez Diaz was sentenced to six (6) years' incarceration. Cortez Diaz's criminal history was matched to him by electronic fingerprint comparison.
5. On October 2, 2017, Simon Cortez Diaz was advised of his constitutional rights. Cortez Diaz freely and willingly acknowledged his rights and agreed to provide a statement under oath. Cortez Diaz stated that his true and complete name is Simon Cortez Diaz and that he is a citizen of Mexico. Cortez Diaz stated that he illegally entered the United States in December of 1989, through "Mexicali." Cortez Diaz further stated that he had been removed from the United States to Mexico on one (1) occasion.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 2, 2017, Simon Cortez Diaz, an alien, was found in the United States of America at or near Goodyear, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near

Calexico, California, on or about November 29, 1989, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this ~~3rd~~ day of October, 2017.



David K. Duncan,
United States Magistrate Judge